

PATENT COOPERATION TREATY

PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)



Applicant's or agent's file reference P0065/PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 03/11988	International filing date (day/month/year) 29.10.2003	Priority date (day/month/year) 05.11.2002
International Patent Classification (IPC) or both national classification and IPC B62K15/00		
Applicant MAS DESIGN PRODUCTS LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☒ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 01.06.2004	Date of completion of this report 10.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Jung, W Telephone No. +49 89 2399-8284 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/11988**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-24 as originally filed

Claims, Numbers

1-30 as originally filed

Drawings, Sheets

1/12-12/12 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	YES: claims 1-29 NO: claim 30
Inventive step (IS)	Yes: Claims	
	No: Claims	YES: claims 1-29 NO: claim 30
Industrial applicability (IA)	Yes: Claims	
	No: Claims	YES: claims 1-30

2. Citations and explanations

see separate sheet

Re Item IV

Lack of unity of invention

- I: Claims 1-23 and 24-29 directed, respectively, to a frame assembly for a foldable bicycle, wherein the rear frame portion and a pivot assembly (hingedly connecting a forward frame portion with a mounting arm) are coupled
- II: Claim 30 is directed to a frame assembly comprising a lock for reversibly locking the rear and forward frame portions

The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

The subject-matter of independent claim 30 is already known (see item V for the grounds for this objection).

In conclusion, the above groups of claims are not linked by common or corresponding special technical features in the sense of Rule 13.2 PCT and define 2 different inventions not linked by a single general inventive concept.

The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-5 492 350

D2: WO 99/42356 A

Independent claim 30

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 30 is not new in the sense of Article 33(2) PCT.

The document **D1** (fig. 1-6; col. 2; l. 4-26; col. 3; claims 5,7,11) discloses (the references in parentheses applying to this document):

A frame assembly for a foldable cycle (cf. fig. 1) comprising

a rear frame portion including a mounting for a rear wheel (cf. fig. 1);

a forward frame portion (cf. fig. 1), hingedly (cf. A2 in fig. 1) connecting to said rear frame

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portion such that the two are foldable towards each other (cf. fig. 2 and 5); and a lock (cf. col. 4, l. 2-4) for reversibly locking the rear and forward frame portions together in a hinge closed position, wherein said lock is arranged to provide an over centre locking action (cf. fig. 2, 4, 5, 7, 12, 14).

Also D2 (fig. 1-5; abstract) discloses all the subject-matter of claim 1.

Independent claims 1 and 24

The subject-matter of the other two independent claims, namely claim 1 and claim 24, seems to comprise features, which are neither disclosed nor rendered obvious by the available prior art.

Dependent claims 2-23 and 25-29

Claims 2-23 are dependent on claim 1 and claims 25-29 are dependent on claim 24 and as such also meet the requirements of the PCT with respect to novelty and inventive step.